IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 17507 of 2004

Between:

1 Bejawada Satti Babu, S/o. Venkanna,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

2 Sunka Ramana, S/o. Satyam,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

3 Padala Suri Babu, S/o. Janakiramaiah,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

4 Padala Veeranna, S/o. Janakiramaiah,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

5 Gangumalla Satti Babu, S/o. Doraia,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

6 Nandarapu Sivaiah, S/o. Kondaiah,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

7 Bejawada Manikanta, S/o.Annavaram,,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

8 Maarisetti Suraiah, S/o. Narayudu,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

9 Maresetti Ratnam, S/o. Buraiah,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

10 Vinti Raju, S/o. Veerabadram,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

11 Vinti Venkanna, S/o. Dasaradaramaiah,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

12 Vinti Kasieeswari, W/o. Verabdharam,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

13 Nandikolla Prakasa, S/o. Suraiah,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
14 Vinti Veeralakshmi, W/o. Rambabu,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
15 Jamisetti Venkanna, S/o. Sattiraju,
R/o. Korumilli Village, Kapeleswarapuram Mandal, E.G.District.
16 Vinti Varababu, S/o. Kedaiah,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
17 Ketamalla Venkanna Babu, S/o. Chandrarao,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
18 Arlapalli Vaikuntam, S/o. Gannaiah,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
19 Vinti Satya Devi, S/o. Pullamraju,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
20 Bhupathi Raju, S/o. Bullinarayudu,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
21 Padala Sreenu, S/o. Janakiramaiah,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
22 Gangumalla Narasimham, S/o. Bheemaraju,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
23 Polisetti Satyanarayana, S/o. Bheemaraju,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
24 Maresetti Narayudu, S/o. Suryanarayana,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
25 Mendukuti Satyanarayana, S/o. Subbarao,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
26 Tuttupu Annapurna, W/o. Satyanarayana,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
27 Inti Chandravathi, W/o. Govindaraju,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
28 Marisetti Satyaveni, S/o. Sattibabu,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
29 Polisetti Durgarao, S/o. Bhimraju,
R/o. Korumilli Village, Kapeleswarapuram Mandal,

E.G.District.

30 Samireddy Dorlamma, W/o. Rammurthy,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

31 Dangeti Nagamani, W/o. Suryanarayana,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

32 Bejawada Dhanaraju, S/o. Venkanna,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

33 Gangumalla Anantalakshmi, W/o. Doraiah,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

34 Vinti Veerabhadra Rao, S/o. Pallamraju,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

35 Kotipalli Satyanarayana, S/o. Vighneswarudu,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

36 Velugubanti Ramoji, S/o. Adaiah,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

37 Polisetti Sreenu, S/o. Venkanna,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

38 Vinti Sreenu, S/o. Hanmanthu,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

39 Vinti Anjaneyulu, S/o. Kedaiah,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

40 Vinti Suri Babu, S/o. Hanmantu,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

41 Vinti Veeranna, S/o. Darasadaramaiah,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

42 Polisetti Nooka Raju, S/o. Bhimaraju,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

43 Chilukuri Rambabu, S/o. Sattiraju,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

44 Vinti Pallam Raju, S/o. Venkatrayudu,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

45 Pulupureddy Suryanarayana, S/o. Surayanarayanamurthy,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

46 Kavala Suryanarayana, S/o. Brahmadu,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
47 Petta Surya Chandra Rao, S/o. Narayudu,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
48 Adapa Kousalya, W/o. Sattiraju,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
49 Jamisetti Venkateswarlu, S/o. Rayudu,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
50 Vinti Prasadu, S/o. Pallamraju,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
51 Vinti Durga Devi, W/o. Chinaverranna,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
52 Bavana Nagarjuna, S/o. Venkatrao,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
53 Samireddy Krishna Murthy, S/o. Rammurthy,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
54 Tuttupu Venkana, S/o. Bhushanam,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
55 Padala Lakshmi, W/o. Janakiramaiah,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
56 Bejawada Raghava, W/o. Annavaram,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
57 Vinti Ganga, W/o. Bhadram,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
58 Nandikolla Mavullu, S/o. Suryanarayana,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
59 Vinti Veerabhadra Rao, S/o. Pallamraju,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.
60 Sunkara Veeralakshmi, W/o. Ramana,
R/o. Korumilli Village, Kapeleswarapuram Mandal,
E.G.District.

..... PETITIONER(S)

AND

1 The District Collector & Magistrate, East Godavari District at Kakinada.
2 The Executive Engineer, CAD, Godavari Water Works Division, Dowlaiswaram, E.G. District.
3 The Mandal Revenue Officer, Kapaleaswarapuram, E.G. District.
4 The Revenue Divisional Officer, Rajamundry, E.G. District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 3rd respondent in not submitting proposals to the 1st respondent as per the order in L.Dis.No. E1/5021/004 dt. 4-8-2004 to grant lease/patta/orders in respect of Lanka Land to the petitioners as per no objection certificate issued by the 2nd respondent in his Letter No. MC3/E236/ICY/No. 70 Rev. dt. 4-9-2004 is highly illegal, arbitrary, discriminatory and violative of Articles 14 and 21 of the constitution of India and consequently declare that the petitioners are entitled for grant of Lease/Patta/Order of Lanka Land in favour of them by taking into consideration of their occupation and cultivation of the said lanka land and further declare that the petitioners are entitled to continue in the possession of the said lanka land till orders passed by the District Collector and pass appropriate orders.

Counsel for the Petitioners :MR.K.SATYANARYANA MURTHY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

The petitioners hastily approached this court complaining the inaction on the part of the District Collector in considering the representation made by them for grant of lease in respect of Lanka lands which were formed during the years 1991 to 1995.

The petitioners state that out of the Ac.87.00, they are in possession of Ac.30.00 of land and they made a representation to the District Collector. The District Collector forwarded the said representation to the MRO with a request to submit lease proposals in favour of the encroachers by duly obtaining opinion from the River Conservancy Department through the RDO, Rajahmundry, if they are eligible. Accordingly, the MRO requested the Executive Engineer, ID, Godavari Head Works Division for his opinion through letter dated 22.8.2004 as to whether the land can be leased out or not. On such request made by the MRO, the Executive Engineer through letter dated 4.9.2004 intimated that there is no objection as per River Conservancy point of view to grant the 'C' Class Lanka land on lease basis, based on the circumstances under the usual terms and conditions prevailing in the department. In view of the same, the MRO has to necessarily submit his report through the RDO, which would take some time for sending the proposal.

Having regard to the facts and circumstances of the case, the MRO is directed to forward necessary proposals as required by the District Collector through the RDO, if not already submitted, within a period of three weeks from the date of receipt of a copy of this order. On such submission of

proposals, it is for the District Collector to consider the same and pass appropriate orders.

With the above observations, the writ petition is disposed of. No costs.

29.9.2004

Note: CC in two days.
Bo CVM

To,

1 The District Collector & Magistrate, East Godavari District at Kakinada.
2 The Executive Engineer, CAD, Godavari Water Works Division, Dowlaiswaram, E.G. District.
3 The Mandal Revenue Officer, Kapaleaswarapuram, E.G. District.
4 The Revenue Divisional Officer, Rajamundry, E.G. District.

5 2 CCs to G.P. for Revenue, High Court of A.P., Hyderabad (OUT).
6 2 CD copies.